

REMARKS

Claims 1-12 are pending.

Claims 1, 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being obvious over a combination of U.S. Patent Publication No. US 2003/0128658 A1 (*Walton*), and U.S. Patent Publication No. US 2003/0162519 A1 (*Smith*).

Claim 1 is directed to a method of operating a packet data transmission system. The claim recites the steps of a) "the secondary station (SS1) monitoring its radio environment" and b) "sending information about its radio environment to the primary station." Next, c) "the primary station (PS1) in response to this information adapting itself" and d) "informing the secondary station (SS1) regarding the type of adaptation made."

Applicants submit that neither *Walton* nor *Smith*, either alone, or in combination, teach or suggest the claimed combination of steps.

As described in the Office Action, *Walton* describes a system in which channel state information (CSI) is acquired by an active terminal 106. (*Walton* at paragraph [0248]). The downlink CSI can be reported by the terminal and then received by a base station 104. (*Walton* at paragraph [0249]). In the described system, the base station can then use the CSI to schedule transmissions. (*Walton* at paragraph [0248]).

Walton, in a different section, describes a system in which a base station initializes performance metrics, assigns transmission channels and schedules to terminals, and downloads the schedules to the terminals. (*Walton* at paragraphs [0074], [0085] and figure 2).

Each of these separate and different systems, as described by *Walton*, achieve an intended purpose of configuring communication channels for transmissions between a base

stations and terminals. Walton does not teach or suggest, however, a single system having the combination of features as claimed by the present application of a) "the secondary station (SS1) monitoring its radio environment," b) "sending information about its radio environment to the primary station," c) "the primary station (PS1) in response to this information adapting itself" and d) "informing the secondary station (SS1) regarding the type of adaptation made."

Moreover, while *Walton* describes downloading schedules to terminals, downloading schedules is very different from the claimed "in response to this information adapting itself," "informing the secondary station (SS1) regarding the type of adaptation made," as recited by claim 1 of the present application. Downloading a schedule to a terminal is not the same as informing a station of a type of change made. Indeed, a schedule could be downloaded by the system of *Walton* without any change being made.

Smith is directed to a radio communication device that makes use of switched antenna selection, and does not cure the deficiencies of *Walton*. *Smith* does not teach or describe, either alone, or in combination with *Walton*, the steps of "the secondary station (SS1) monitoring its radio environment," "sending information about its radio environment to the primary station," "the primary station (PS1) in response to this information adapting itself" and "informing the secondary station (SS1) regarding the type of adaptation made," as recited by claim 1 of the present application.

Amended claims 10 and 12, while differing in scope and form from claim 1, recite features similar to those described above with respect to claim 1. Accordingly, applicants submit that claims 10 and 12 are patentable over a combination of *Walton* and *Smith*, at least for the reasons stated above with respect to the patentability of claim 1.

Accordingly, applicants submit that claims 1, 10 and 12 are patentable over *Walton* and *Smith*, either taken alone, or in combination.

Claims 2-9 and 11 stand rejected under 35 U.S.C. § 103(a) as being obvious over a combination of *Walton*, *Smith* and U.S. Patent No. 6,917,820 (*Gore*).

Each of claims 2-9 and 11 ultimately depend from claim 1. Accordingly, applicants submit that each of claims 2-9 and 11 are patentable over *Walton* and *Smith*, at least for depending from allowable claim 1.

Gore is directed to a method of selection and use of optimal numbers of antennas by the use of feedback, but does not cure the deficiencies of *Walton* and *Smith*. For example, *Gore*, either alone, or in combination with *Walton* and *Smith*, does not teach or suggest the steps of a) "the secondary station (SS1) monitoring its radio environment," b) "sending information about its radio environment to the primary station," c) "the primary station (PS1) in response to this information adapting itself" and d) "informing the secondary station (SS1) regarding the type of adaptation made."

Accordingly, applicants submit that claims 2-9 and 11 are patentable over *Walton*, *Smith* and *Gore*, either taken alone, or in combination.

Thus, applicants submit that each of the claims of the present application are patentable over each of the references of record, either taken alone, or in any proposed hypothetical combination. Accordingly, withdrawal of the rejections to the claims is respectfully requested.

Conclusion

In view of the above remarks, reconsideration and allowance of the present application is respectfully requested.

Respectfully submitted,

Paul Im
Registration No. 50,418

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/James Dobrow/
By: James Dobrow
Attorney for Applicant
Registration No. 46,666

Mail all correspondence to:

Paul Im, Registration No. 50,418
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9627
Fax: (914) 332-0615